



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

M/L

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,925	10/27/2003	Justin Monk	020375-043600US	5092
20350 7590 09/27/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER CUFF, MICHAEL A	
			ART UNIT 3627	PAPER NUMBER
			MAIL DATE 09/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/694,925	Applicant(s) MONK, JUSTIN	
	Examiner Michael Cuff	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 23-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2007.07.13</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blossom in view of Cameron et al. and Melchione et al.

Blossom discloses receiving at a POS device a cost (col. 3, line 28 card 10 may be used with a POS device which means a cost incurred) identifying an instrument associated with a stored-value account and a credit account (card 10), generating a request to select a distribution of the cost for the transaction among the stored-value and credit accounts for presentation at the point-of-sale device (Blossom discloses use of his card in a conventional card reader which "allows a user to select a card feature" the mere presentation of plural payment options is read as "generating a request" because the card won't function unless a selection is made; the step of transmitting the cost payment to the financial institution is deemed obvious and old to the card reader art and is accomplished in Cameron et al.

However Blossom does not disclose the stored-value account and the credit account linked substantially contemporaneously with issuance of the instrument to the customer nor does it teach a selected distribution identifying a first non zero portion of

the cost of the transaction applied to a stored value and a second non zero of the cost of the transaction to be applied to a credit card. However, Cameron et al do disclose selecting a non zero portion of a charge to be allocated between two credit cards, a credit card and a stored value instrument (e.g., a non specific dollar off coupon or gift certificate) or between two stored value instruments, see col. 11, lines 55 et seq. (Also, the display of the request is shown, see figure 13.) In column 11, lines 55-60, any combination of the payment methods can be used for one total order. (This includes maxima amounts.) It would be obvious to modify the POS sales device of Blossom to include the receiving at the POS terminal a response in the form of an elective distribution feature of allocating payments between stored value gift certificate and credit card as taught by Cameron because the motivation would be to limit the use of the credit card and hence the limiting of high rates of interest.

Regarding the limitation of substantially contemporaneously linking the stored values and the credit card, the scheme of Fig. 16 shows the linked system, which is read as being substantially contemporaneous. In addition, Melchione et al. do disclose a system where "in a single session" accounts are linked together. (see, Abstract of US '764 last sentence "The system... for opening an account in a *single session* that is in communication with") It would be an obvious modification to Blossom to include the single session linking feature in order to link the stored value and the credit accounts at substantially the same time, the motivation being that this will keep both accounts as an option from the beginning of the card's use.

Re claim 2: Blossom discloses use of his card in a conventional card reader which "allows a user to select a card feature".

Re claims 3 and 4: official notice is taken with respect to which items are available for stored value points see e.g. frequent flyer points cannot be applied during holiday flights and some retail businesses restrict what can be purchased by credit cards e.g. stamps and lotto tickets are cash based only.

Re claim 5: see col. 7 lines 6-9 for display of stored value.

Re claims 6 and 7: the step of applying only what is available in either credit or value to a cost and/or splitting same between them is deemed an old and obvious expedient.

Re claims 24, 25, 26, 27 and 29, reading/writing, including limits (maxima) from the instrument is a well-known inherent feature of the Blossom card reader. (Dorfman et al. reference (column 1, lines 36-48) has been provided as evidence to this inherent feature. More references can be provided if necessary.)

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blossom, Cameron et al. and Melchione et al. in further view of Wagner et al.

The combination system of Blossom, Cameron et al. and Melchione et al. shows all of the limitations of the claims except for specifying an explicit option.

Wagner et al. teaches, column 5, lines 14-30, the use of programmable keys on a POS terminal in order to save to time by shortcutting a commonly used function.

Based on the teaching of Wagner et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the combination system of Blossom, Cameron et al. and Melchione et al. to incorporate programmable keys such that there is an explicit option to carry out a common task, such as using up the stored value and applying the rest of the transaction to a credit account, in order to save to time by shortcutting a commonly used function.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blossom, Cameron et al. and Melchione et al. in further view of Teicher.

The combination system of Blossom, Cameron et al. and Melchione et al. shows all of the limitations of the claims except for specifying receiving a second maximum amount from a host system.

Teicher teaches, figure 12, an electronic purse (stored value unit) and an electronic purse payment unit (remote). Both contain the stored value amount (second maximum) for any given account. The POS interface may receive information from either unit. This system provides the convenience of the card or wallet stored data and the security of a centralized remote storage unit.

Based on the teaching of Teicher, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the combination system of Blossom, Cameron et al. and Melchione et al. to incorporate the payment unit of Teicher, including the electronic purse payment unit, in order to provide the

convenience of the card or wallet stored data and the security of a centralized remote storage unit.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (571) 272-6778. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 9/25/07

Michael Cuff
September 25, 2007